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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,260	12/22/2003	Eric C. Steindorf	KCX-771 (19263)	4463
22827	7590	05/17/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			PATEL, NIHIR B	
			ART UNIT	PAPER NUMBER

3743

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/743,260

Applicant(s)

STEINDORF, ERIC. C.

Examiner

Nihir Patel

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on March 8<sup>th</sup>, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6-9, 11, 14, 17-19 and 21-24, 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12, 13, 15, 16, 20 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed on March 8<sup>th</sup>, 2005, with respect to **claims 1-5, 10, 12, 13, 15, 16, 20 and 25** have been fully considered and are persuasive. The previous office action has been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 12, 13, 20 and 25** are rejected under 35 U.S.C. 102(b) as being anticipated by Springett et al. (US 6,234,171).

**Referring to claim 1**, Springett discloses a molded respirator containing sorbent particles that comprises a body portion (**see figure 5**) configured to be placed over a mouth and at least part of a nose of a user in order to isolate the mouth and the at least part of the nose of the user from the environment such that the air of respiration is drawn through the body portion, the body portion having a baffle layer **54** (**see figure 5**) having an outer and an inner surface with a plurality of projections extending from at least one of the outer and inner surfaces (**see figure 6**), the baffle layer configured to aid in absorbing energy associated with fluid striking the body portion and to prevent fluid strike through (**see column 3 lines 25-62**).

**Referring to claim 2**, Springett discloses an apparatus wherein the projections and the outer surface of the baffle layer **54** define a plurality of interconnected channels (**see figure 6**)

for redirecting the flow of fluid that strikes the body portion, the channels having an orientation such that the fluid is directed laterally away from the point of impact of the fluid through the channels.

**Referring to claim 3**, Springett discloses an apparatus wherein the body portion has a first layer contacting the projections of the baffle layer; and the body portion has a third layer contacting the inner surface of the baffle layer (see **figure 5**).

**Referring to claim 4**, Springett discloses an apparatus wherein the first layer is stiffer than the baffle layer (see **column 3 lines 25-62**).

**Referring to claim 5**, Springett discloses an apparatus wherein the projections (see **figure 6**) are circular pillows.

**Referring to claim 10**, Springett discloses an apparatus wherein the plurality of projections extends from the outer surface of the baffle layer (see **figure 6**).

**Referring to claim 12**, Springett discloses a molded respirator containing sorbent particles that comprises a body portion (see **figure 5**) configured to be placed over a mouth and at least part of a nose of a user in order to isolate the mouth and the at least part of the nose of the user from the environment such that the air of respiration is drawn through the body portion, the body portion having a t least one layer **54** (see **figure 5**), the layer **54** having an outer layer surface facing away from the user when worn and an inner surface facing towards the user when worn, the layer having a plurality of projections (see **figure 6**) extending therefrom, the projections aiding in absorbing energy associated with fluid striking the body portion.

**Referring to claim 13**, Springett discloses an apparatus wherein the body portion has an inner facing layer **58** (see **figure 5**) contacting the skin of the user when worn, an outer facing

layer 50 (see figure 5), and a filtration layer 54 (see figure 5) disposed between the inner facing layer and the outer facing layer, wherein the layer with the plurality of projections (see figure 6) is any of the inner facing layer, outer facing layer, and filtration layer.

Referring to claim 15, Springett discloses an apparatus wherein the outer facing layer is stiffer than the filtration media layer (see figure 5).

Referring to claim 16, Springett discloses an apparatus wherein the body portion (see figure 5) has an additional layer that is the layer farthest from the user when worn and adjacent to the layer having the projections (see figure 6), the additional layer stiffer than the layer having the projections (see column 3 lines 25-62).

Referring to claim 20, Springett discloses an apparatus wherein the projections are circular pillows (see figure 6 and column 3 lines 25-62).

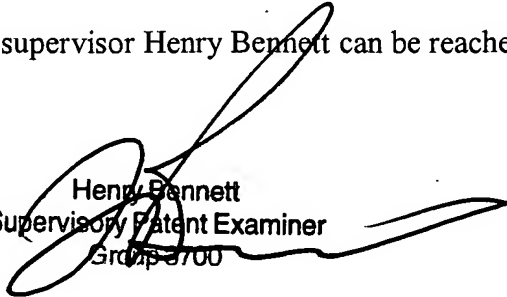
Referring to claim 25, Springett discloses an apparatus wherein the plurality of projections (see figure 6) extends from the outer surface of the layer having the projections.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (571) 272-4803. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner supervisor Henry Bennett can be reached at (571) 272 4791.

NP  
May 12<sup>th</sup>, 2005

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700